

Sumter City-County Zoning Board of Appeals

January 12, 2011

BOA-10-36, 2865 Drake St. (County)

I. THE REQUEST

Applicant: Carlene Tapley

Status of the Applicant: Property owner

Request: The applicant is requesting a variance from the requirement to park, store or use recreational vehicles in the side or rear of the principal structure.

Location: 2865 Drake St.

Present Use/Zoning: Residential / R-9

Tax Map Reference: 188-05-01-009

II. BACKGROUND

The owners, Carlene Tapley and her husband are seeking a variance from Article 4, Section J: Parking, Storage or Use of Campers or other major Recreational Vehicles in order to allow parking of a motor home in the front yard, in a residential (R-9) district. Photos below show the front yard and RV where it is currently parked.





Above: photo showing the side of the house where the RV is currently parked. Trees and a narrow side setback prevent parking the RV on the side of the house, and there is a large septic system that makes parking in the rear impossible.

The property owners live in the home shown on the aerial (**Below left**). In the past, they had parked their RV in the rear of the parcel. However, the previous placement of the RV damaged their septic system and they have recently paid for new drainlines to be installed. The new drainlines have used any remaining open space in the rear yard in which they could have parked the RV.

In addition, there are several existing large and medium sized trees (shown in dark green) in the side and rear yards, so that there is no room to park the RV in either of these locations. The only location available for parking the RV is therefore in the front yard as shown in light green. (**Below, right**) The location of septic system drainlines (shown in red) is approximate and is based on information provided by property owners.



III. FOUR PART TEST

- 1) ***There are extraordinary and exceptional conditions pertaining to the particular piece of property.***

There are physical constraints to the property in the form of trees and septic drainlines in both the side and rear yard that prohibit the placement of the RV in any location other than the front yard.

- 2) ***These conditions do not generally apply to other property in the vicinity.***

The adjacent properties appear to have areas in either the side or rear of the property in which an RV could be parked.

- 3) ***Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.***

The conditions imposed on this property would effectively prohibit or restrict the use of the property because the property owners cannot park their RV in their yard without this variance.

- 4) ***The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the granting of the variance will not harm the character of the district.***

The authorization of this variance will not pose a substantial detriment to the adjacent property or to the public good. This recreational vehicle appears in very good condition and does not create any type of safety hazard to the neighborhood.

IV. STAFF RECOMMENDATION

Staff recommends approval based on the fact that the proposal meets the requirements of the Four-Part Test.

V. DRAFT MOTIONS FOR BOA-10-36

- A. I move that the Zoning Board of Appeals approve BOA-10-36, subject to the findings of fact and conclusions contained in the draft order, dated January 12, 2011 attached as Exhibit 1.
- B. I move that the Zoning Board of Appeals deny BOA-10-36, subject to the following findings of fact and conclusions:

C. I move that the Zoning Board of Appeals enter an alternative motion for BOA-10-36.

VI. ZONING BOARD OF APPEALS – JANUARY 12, 2011

The Sumter City-County Board of Appeals at its meeting on Wednesday, January 12, 2011, voted to approve this request, based on staff recommendation and subject to the findings of fact and conclusions on exhibit 1.

Exhibit 1
Order on Variance Application
Board of Zoning Appeals

BOA-10-36, Carlene Tapley – 2865 Drake St. (County)
January 12, 2011

Date Filed: January 12, 2011

Permit Case No. BOA-10-36

The Board of Zoning Appeals held a public hearing on Wednesday, January 12, 2011 to consider the appeal of Carlene Tapley of 2865 Drake St. for a variance from the strict application of the Zoning Ordinance as set forth on the Form 3 affecting the property described on Form 1 filed herein. After consideration of the evidence and arguments presented, the Board makes the following findings of fact and conclusions.

1. The Board concludes that Applicant ☒ **has** - ☐ **does not have** an unnecessary hardship because there are no extraordinary and exceptional conditions pertaining to the particular piece of property based on the following findings of fact:

There are extraordinary or exceptional conditions that prohibit the applicant from parking the RV in the side or rear yard. There are physical constraints to the property in the form of trees in the side yard and a septic system in the rear that prohibit the placement of the RV in any location other than the corner of the front yard.

2. The Board concludes that these conditions ☐ **do** - ☒ **do not** generally apply to other property in the vicinity based on the following findings of fact:

These conditions do not apply to other property in the vicinity. The adjacent lots do not have the same site conditions as there appears to be areas in which they can park a large RV in the side or rear of their properties.

3. The Board concludes that because of these conditions, the application of the ordinance to the particular piece of property ☒ **would** - ☐ **would not** effectively prohibit or unreasonably restrict the utilization of the property based on the following findings of fact:

The conditions imposed on this property, the variance is not granted, would effectively prohibit or restrict the use of the property because the property owners would not be able to keep their RV.

4. The Board concludes that authorization of the variance ☐ **will** - ☒ **will not** be of substantial detriment to adjacent property or to the public good, and the character of the district ☐ **will** - ☒ **will not** be harmed by the granting of the variance based on the following findings of fact:

The authorization of this variance will not pose a substantial detriment to the adjacent property or to the public good. This vehicle appears to be in very good condition and does not create a safety hazard to the neighborhood.

THE BOARD, THEREFORE, ORDERS that the variance is ☐ **DENIED** –
☒ **GRANTED.**

Approved by the Board by majority vote.

Date issued: _____

Chairman

Date mailed to parties in interest: _____

Secretary

Notice of appeal to Circuit Court must be filed within 30 days after date this Order was mailed.

